

REMARKS

Claims 1-34 are currently pending in the captioned patent application, of which claims 1, 19, 23, and 31-34 are independent claims. Claims 1, 19, 23, 31 and 32 have been amended, and claims 5, 14, 16, 21-22, 24, 26, and 28-29 have been canceled. Claims 33 and 34 have been added as new claims. Applicants submit that support for these amendments and the new claim can be found throughout the specification and drawings of the present application.

For at least the following reasons, applicants respectfully request reconsideration of the rejections set forth in the Office Action and allowance of all pending claims.

§102 Rejections

A claim rejection based on anticipation under §102 requires that a single prior art reference disclose each and every element of the claimed invention. *See* MPEP § 2131 (stating that a claim is anticipated only if each and every element as set forth in the claim is disclosed in a single prior art reference). Claims 1-32 stand rejected under 35 U.S.C. §102(b) as being anticipated by a United States patent issued to McCoy et al. (U.S. Pat. No. 5,694,116). For at least the following reasons, applicants submit that McCoy fails to anticipate claims 1-32, because McCoy does not disclose each and every element recited therein.

For example, amended claim 1 recites:

A computer-assisted method for processing financial information of a client of a financial institution, said method comprising:

receiving data from an overdraft data source,
said data including at least one overdraft occurrence associated
with a transaction performed in association with said client;

associating said overdraft occurrence with
an overdraft representative, wherein said overdraft representative is
responsible for at least one of reviewing, researching and
documenting the circumstances of said overdraft occurrence;

analyzing said overdraft occurrence in an
overdraft application to determine at least one circumstance
surrounding a cause of said overdraft occurrence and a disposition
for said overdraft occurrence in connection with said cause;

identifying at least one approval authority
for said overdraft occurrence;

generating an overdraft report, wherein said
overdraft report contains observations of said analyzing step;

notifying at least one of a manager or the
approval authority of the need to approve disposition of the
overdraft occurrence through electronic mail; and

transmitting a response by one of the
manager or the approval authority to said overdraft report to said
overdraft application.

The present application further discloses in paragraph [0040]:

the ODR 16 performs research to determine the circumstances and
reasons surrounding the cause of the overdraft occurrence. The
reasons may include a determination that a client error or a
financial institution error caused the overdraft occurrence. The
observations of the ODR 16 regarding this error are also made
accessible in the overdraft application for assessment of chronic
overdraft conditions.

As disclosed in paragraph [0030] of the present application, the ODR (overdraft representative)

“is responsible for reviewing, researching and documenting the circumstances for a given
overdraft occurrence.”

In contrast, McCoy relates to a “data processing apparatus for controlling risk,” or exposure over a series of accounts. McCoy at col. 1, lines 11-13. These accounts can be for a single customer or for a number of customers in an industry. *See* McCoy at col. 3, lines 9-14.

In rejecting claim 1, the Office Action stated that “the [McCoy] system performs a warning limit test to determine whether the transaction would cause the total exposure of the relationship to exceed the predetermined warning limit for the relationship, as listed in the relationship profile; system performs a hold routine, notify routine, or alert limit test.” McCoy at col. 7, lines 63-67; col. 8, lines 1-12. However, applicants submit that analyzing an overdraft occurrence “to determine circumstances and reasons surrounding a cause of said overdraft occurrence” is not the equivalent of performing a “warning limit test to determine whether the transaction would cause the total exposure to exceed a predetermined warning limit.” (emphasis added).

In rejecting previous arguments, the Office Action stated that “[t]he cause of the overdraft occurrence would be exceeding the warning limit.” As discussed above, the warning limit of McCoy is predetermined. Applicants respectfully submit that exceeding a predetermined warning limit is not the “circumstances and reasons surrounding a cause of said overdraft occurrence.” Exceeding a predetermined limit may possibly be the result of an overdraft occurrence, but it is certainly not the cause of the overdraft occurrence. The present invention performs analysis “to determine circumstances and reasons surrounding a cause of said overdraft occurrence and a disposition for said overdraft occurrence in connection with said cause.” There is no analysis disclosed in McCoy because no analysis is required to determine whether a predetermined limit has been exceeded.

As amended, claim 1 recites, among other things, “generating an overdraft report, wherein said overdraft report contains observations of said analyzing step.” In contrast to the “alert” taught by McCoy, the “overdraft report” of the present claims is more extensive as the overdraft report contains observations of the analyzing step. McCoy discloses that “the system performs an alert routine 226 to alert the primary relationship officer that the transaction has been denied.” The present application discloses at paragraph 40 that “[t]he observations of the ODR 16 regarding the overdraft occurrence can be entered by the ODR 16 on field 94 of the overdraft report” and that “[i]nformation entered into the overdraft report by the ODR 16 can also be made available for use in reviewing and analyzing chronic overdraft conditions.” McCoy does not teach, disclose or suggest “generating an overdraft report, wherein said overdraft report contains observations of said analyzing step” as recited in the present claims. The alert of McCoy is simply a notification tool used to alert an officer when the transaction has been denied, whereas the overdraft report of claim 1 is a report used to review and analyze chronic overdraft conditions.

Additionally, claim 1 now includes the feature of previous claim 14. As amended, claim 1 recites “notifying at least one of a manager, the approval authority, or the approval authority alternate of the need to approve disposition of the overdraft occurrence through electronic mail.” The Office Action cites col. 6, lines 32-33 of McCoy to stand for this feature. Col. 6, lines 27-34 of McCoy recites:

In order to alert the appropriate officers at the bank of important account-related events (such as a predetermined limit being exceeded), the computer 20 is connected to alerting means, such as a primary officer's video terminal 50 and a secondary officer's (or back-up officer's) telephone voice response unit 52. Rather than

alerting the officers through video terminals, any means of enabling a computer to alert an officer could be used.

See McCoy at col. 6, lines 27-34. Alerting the officers as disclosed in McCoy is not the equivalent of “notifying at least one of a manager, the approval authority, or the approval authority alternate of the need to approve disposition of the overdraft occurrence through electronic mail.” As discussed above, the alert of McCoy is simply a notification tool used to alert an officer when the transaction has been denied, whereas the notification of the present invention is used to allow an officer to approve or disapprove of an overdraft occurrence. McCoy does not teach, disclose or suggest “notifying at least one of a manager, the approval authority, or the approval authority alternate of the need to approve disposition of the overdraft occurrence through electronic mail.”

Claim 1 also now includes the subject matter of previous claim 16. Claim 1 recites “transmitting a response by one of the manager, the approval authority, or the approval authority alternate to said overdraft report to said overdraft application.” The Office cites col. 8, line 15 of McCoy to stand for this feature. Col. 8, lines 13-15 of McCoy recite “[i]f the total exposure would not exceed the alert limit, the system performs a warn routine 220 notifying the primary relationship officer.” Notifying the primary relationship officer that the alert limit has not been exceeded is not the equivalent of “transmitting a response by one of the manager, the approval authority, or the approval authority alternate to said overdraft report to said overdraft application.” Therefore, McCoy does not teach, disclose or suggest this recited feature of claim 1.

For at least the above reasons, applicants submit that McCoy fails to disclose each and every element of claim 1. *See* MPEP § 2131. For analogous reasons, Applicants therefore submit that claims 19, 23, and 31-34 are not anticipated by McCoy. Applicants further submit that claims 2-4, 6-13, 15, 17-18, 20, 23, 25, 27 and 30 are not anticipated by McCoy by virtue of their dependence from claims 1, 19 and 23, and on their own merits.

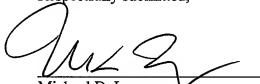
Miscellaneous

Applicants submit that the dependent claims pending herein are allowable at least by virtue of their dependency on independent claims which, as applicants describe above, are patentable over the cited references. Applicants reserve the right, however, to make supplemental arguments as may be necessary, because the dependent claims of the present application include additional features that further distinguish the claims from the cited references. A detailed discussion of these distinctions is believed to be unnecessary at this time in view of the fundamental distinctions already set forth in the above remarks.

SUMMARY

Based on the foregoing remarks, applicants respectfully request reconsideration and allowance of all pending claims of the present application. Applicants request that the Examiner direct any questions or issues associated with the present response to the undersigned representative by telephone or e-mail, so that such questions or issues can be quickly addressed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Michael D. Lazzara', written over a horizontal line.

Michael D. Lazzara
Reg. No. 41,142

Attorney for Applicants

K&L Gates LLP
Henry W. Oliver Building
535 Smithfield Street
Pittsburgh, Pennsylvania 15222-2312

Telephone: (412) 355-8994
Fax: (412) 355-6501
E-mail: michael.lazzara@klgates.com

Customer No. 26285